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California Regional Water Quality Control Board

Los Angeles Region

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Gray Davis
Governor

Los Angeles Regional Water Quality Control Board

Minutes of the July 27, 2000 Regular Board Meeting

The Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, California

INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 9:12 a.m.

Board Members Present

Susan Cloke, Jack Coe, Francine Diamond, Marilyn Lyon, Robert Miller, Timothy Shaheen,
H. David Nahai

Board Members Absent

None.

Staff Present

Dennis Dickerson, Jorge Leon, Marleigh Wood, Dennis Dasker, Deborah Smith, Ronji Harris, Sonja Gettel, Wendy Phillips, Arthur Heath, Ejigu Solomon, Hugh Marley, Jack Price, Winnie Jesena, Gary Schultz, Rodney Nelson, Jonathan Bishop, Mark Pumford, Renee DeShazo, Melinda Merryfield-Becker, Mohammad Zaidi, Dixon Oriola, Yue Rong, David Bacharowski

Others Present

Mark Gold, Heal the Bay
Heather Hoecherl, Heal the Bay
Larry Quinn, Storm Water Systems
Carrie Mattingly, City of Port Hueneme
Walter Crone, Ninyo & Moore
Ron Wilkniss, Western States Petroleum
JoAnne Kelly, City of Thousand Oaks
James Leserman, Water Replenishment
District
Lucia McGovern, West Basin Municipal
Water District
Amelia Rietzel, City of Santa Clarita
Vicki Musgrove, Ventura County Flood
Control District
Jim Langley, City of Los Angeles

Steve Fleischli, Santa Monica Baykeeper
David Beckman, NRDC
Sally Coleman, City of Oxnard
Richard Williams, Unocal Corporation
Jeff Endicott, Camp, Dresser & McKee
Cathy Stites, McCutchen Doyle Enerson
Burt Rapp, City of Fillmore
Jim Colbaugh, Las Virgenes Municipal Water
District
Anne Schubert, City of Simi Valley
Rick Cameron, Port of Long Beach
Maria Rountree, City of Santa Clarita
Sharon Green, Los Angeles County Sanitation Districts
Marika Modugno, City of Santa Clarita
Ray Kearney, City of Los Angeles

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Adel Hagekhalil, City of Los Angeles
Shirley Pak, CalTrans
Joyce Clark, Metropolitan Water District
of Southern California
Peter Nyquist, Azusa Land Reclamation Co.
Mark Subbotin, Newhall Land & Farming
Sam Pedroza, Upper District
Anthony Emmert, City of Santa Paula
Steven Linder, EPA
Greg Lovato, EPA
River
Judith Wilson, City of Los Angeles Bureau
of Sanitation

Barry Berggner, City of Los Angeles
Avery Chan, CalTrans
Kris Flaig, City of Los Angeles
Pete Whitney, Ventura County Flood Control District
Margaret Nellor, L.A. County Sanitation Districts
Elaine Freeman, BIA
Peter Guitierrez, Los Angeles County
Bruce Feng, City of Burbank
Joseph Crisologo, Department of Health Services
Jacqueline Lambrichts, Friends of the San Gabriel

1. Roll Call.

A roll call was taken.

2. Order of Agenda.

The Executive Officer, Dennis Dickerson recommended the following changes to the Agenda:

- *Remove Item 8.3 (Equilon Enterprises LLC)*
- *Remove Item 9.1(Carnival Corporation)*
- *Remove Item 12 (Basin Plan, Chloride Objectives)*
- *Remove Item 14 (Halaco Engineering Company)*
- *Remove Item 18 (Air Products and Chemicals, Inc.)*

The Board members recommended to following items be removed from the consent calendar:

Items 8.1, 8.2, 20

Motion: By Mr. Lyon, seconded by Ms. Diamond and approved on a voice vote.

3. Approval of Regular Meeting Minutes of June 29, 2000.

The Minutes were amended to include a "re-opener clause" in Agenda Items 8.1 through 8.5.

MOTION: By Ms. Cloke, seconded by Ms. Diamond, and approved, as amended on a voice vote.

4. Board Member ExParte Communication Disclosure.

There was no information reported on this item.

5. Annual Board Performance Awards.

Dennis Dickerson, Executive Officer introduced the recipient of the Board Performance Award.

Chairman Nahai presented the award to Xavier Swamikannu.

6. Public Forum.

Jim Colbaugh, Las Virgenes Municipal Water District, informed the Board that the National Research Institute was asked to do a "Peer Review" study on Malibu Creek, which should be completed in a couple of weeks.

Judy Wilson, City of Los Angeles, Bureau of Sanitation informed the Board of the catch basin cleaning efforts by the City of Los Angeles,

Jaqueline Lambrichts, Friend of the San Gabriel River addressed the Board on the May 25, 2000 Resolution for L.A. Turf Club SEPS. She suggested that the Board create a committee that will get involved in ~~with~~ the SEP selection process.

Chairman Nahai gave the Oath to those testifying before the Board.

7. *The Consent Calendar was adopted as follows:*

Items 8.4, 9.2, 9.3, 9.4, 19.1, 19.2

Items 8.1 and 8.2 were approved after staff answered Board members questions. Board member Coe abstained on Item 9.2.

10. STORMWATER

Consideration of Ventura Countywide Stormwater NPDES Permit – Renewal

Wendy Phillips, Board staff gave the Board background information on the MS4 Permit.

Xavier Swamikannu, Acting Unit Chief of the Stormwater Unit addressed the structure of the permit, and expounded upon special provisions of the permit.

Boardmember Coe asked the staff about the July 13, 2000 letter from Ventura County regarding schedule for cleaning catch basins. Mr. Coe also referred to Agenda page 10-B, item 6.

Xavier Swamikannu responded to Mr. Coe's questions.

Ms. Diamond referred to the inconsistencies on BMP's in the (marked copy) this permit. She asked if this permit is consistent with the Long Beach permit.

Xavier Swamikannu responded to Ms. Diamond.

Vicki Musgrove, Ventura County Flood Control District, gave the presentation for Ventura County. She thanked Board staff, and the environmental agencies for their efforts, and support of the permit. Ms. Musgrove proposed alternative language for the permit. She indicated that Ventura County supports the adoption of the permit with the exception of the budget submittal requirement, ~~and the standard provisions language. (See Transcript)~~ and that no erosion will be permitted from new development.

Elaine Freeman, Urban Strategies for Building Industry Association Southern California, gave testimony to the Board. She stated that their biggest concern is that they want to maintain a variety of compliance alternatives. The association is also concerned over the definition of "wetlands."

Ron Wilkniss, Western States Petroleum Association, gave testimony to the Board. He asks that the word "spills" be deleted from the permit. He stated that spills do occur, and that prohibiting them will not preclude their occurrence. His concern is, that if a spill happens, RGO's will inappropriately bear the brunt of the enforcement action and this is the reason he suggests the word "spills" be deleted from the permit. He stated catch basin filters are not effective (Sacramento experience). Also, some underground BMP could cause explosions.

Burt Rapp, City of Filmore City Engineer, gave testimony to the Board. ~~He requested that the language in SQUIMP that is also addressed in the permit be delete.~~ He was concerned over control of increased runoff and erosion from new development, the pollution of ground water, and the rise of ground water levels in west Simi Valley.

Mark Gold, Heal the Bay gave testimony to the Board, ~~and proposed some modifications that should be made to the permit.~~ Mr. Gold disagreed with County Ventura's proposal to replace certain language in the permit on A-5, and on erosion and sedimentation problems, and on page 20 regarding catch basin cleaning. ~~he objected to the elimination of the dates.~~

Sally Coleman, City of Oxnard, gave testimony to the Board. She stated that the City of Oxnard supports the Ventura permit, but requested that two modifications be made to the permit, and also the pesticide application on page 10-B-91.

Pete Whitney, Ventura County gave testimony and urged the Board not to put specific brand names on pre-emergents.

The Board adjourned for a lunch break at 12:20 p.m.

The meeting reconvened at 1:30.

After much discussion by the Board, there was a motion to adopt the proposed permit with the following changes:

- Page 10-B-91, No. 5 "Co-permittees shall inspect and clean the catch basins ~~and~~ open drainage facilities and ~~intention-~~ detention/retention basins at least one time each year prior to the wet season. At any time any catch basin that is at least 40 percent full of

trash and debris, it shall be cleaned out. All reinforced concrete open channels shall be cleaned at least once each year prior to the wet season.”

- Page 10-B-91 ~~(b)~~—91 (Vicki Musgrove’s Proposed changes) “The Discharger shall develop a standardized protocol for the routine and non-routine application of pesticides, herbicides, including preemergents, and fertilizers within one year after permit adoption”. Also lines under 9- b. Within one day of rain event forecasted to be greater than 0.25 inches except for application of preemergent herbicides.
- Page 10-B- ~~(b)~~—121, in the SQUIMP the definition of redevelopment to be replaced with the language that is in the permit. “Redevelopment “ means, but is not limited to, the expansion of a building footprint or addition or replacement of a structure; structural development including an increase in gross floor area and/or exterior construction or remodeling; replacement of impervious surface that is not part of a routine maintenance activity; land disturbing activities related with structural or impervious surfaces. Redevelopment that results in the creation or addition of 5,000 square feet or more of impervious surfaces is subject to the requirements for storm water mitigation. If the creation or addition of impervious surfaces is fifty percent or more of the existing impervious surface area, then storm water runoff from the entire area (existing and additions) must be considered for purposes of storm water mitigation. If the creation or additions is less than fifty percent of the existing impervious area, then storm water runoff from only the addition area needs mitigation.
- Page 10-B- ~~(b)~~ 22, under Peak Storm Water Discharges “The Discharger shall control the post-development peak storm water runoff discharge rates, shall to maintain or reduce pre-development downstream erosion the potential for increase in post development downstream erosion, and shall to protect stream habitat by maintaining natural pre-development stream channel erosion rates.”
- 10 -B ~~(b)~~ 87, No. 2 (b), Eliminate the sentence that starts “in the interim period”, and ends with “durations”, and replace with this wording: “Until the technical manual is complete, all applicable new and redevelopment must comply with any one of the flow-based and volume-based design criteria in SUSMP. Within two years of permit adoption, all applicable new and redevelopment shall comply with the design criteria provided in the technical manual. The technical manual shall be consistent with flow-based and volume-based design criteria in the SUSMP and shall be subject to the approval by the Executive Officer.” “Notwithstanding the requirement that the BMP design criteria be incorporated into a technical manual, the criteria shall be effective as of July 27, 2000. The technical manual, the criteria shall be consistent with, and must not be less stringent than the design criteria in the SQUIMP, and shall be subject to approval by the Regional Board Executive Officer”.
- Include Figure 1 in proposal for the Board to adopt. It was inadvertently omitted. It would follow 10(b) 107. This would be the figure showing the areas subject to the permit locations.

MOTION: By Chairman Nahai, seconded by Ms. Cloke, and approved on a voice vote.

BASIN PLANNING

11. Consideration of a Proposed Resolution Amending the Water Quality Control Plan (Basin Plan) to Incorporate Authorization for Compliance Schedules in NPDES Permits.
Deborah Smith, Assistant Executive Officer, Surface Water Division, recommended modifications, and provided background history to the Board.

Ms. Smith also provided information to the Board on the proposed amendments, and the reasons and benefits of those amendments.

Jonathan Bishop, Chief of Regional Programs, gave the staff presentation. He addressed the provisions of the Amendment, and described the details of the policy, followed by a summary of responses to comments.

Margaret Nellor, L.A. County Sanitation Districts, gave testimony to the Board in support of the amendment with some provisions.

Ray Kearney, City of Los Angeles, Bureau of Sanitation gave testimony to the Board in support of staff recommendation.

Heather Hoecherl, Heal the Bay, gave testimony to the Board in opposition of staff recommendation. She indicated that she strongly opposes the amendment. State legislation is now pending which could impact on this issue.

Steve Fleischli, Santa Monica Baykeeper, gave testimony to the Board, urging the Board to defer this issue ~~until the~~ while the Sher Bill ~~addresses by these issues~~.is under consideration.

Others who gave testimony on this matter:

David Beckman, National Resources Defense Counsel

Sharon Green, Los Angeles County Sanitation Districts

After discussion by the Board, there was a motion to defer action on this matter until after the close of the current legislative session.

MOTION: By Ms. Cloke, seconded by Ms. Diamond, and approved on a voice vote.
Boardmember Coe opposed.

ENFORCEMENT ISSUES

13. Consideration of Petitions of Cleanup and Abatement Orders (CAOs) issued by the Executive Officer to dischargers in the Azusa/Baldwin Park area of the San Gabriel Valley.

13.1 Phaostron

Dennis Dasker, Assistant Executive Officer, gave a brief presentation to the Board. He addressed the groundwater contamination issues, and informed the Board that the cleanup will cost over 200 million dollars. He also gave a brief historical background for the site.

Arthur Heath, Chief of the Remediation Section, gave the staff presentation. He informed the Board of the chemical contaminants detected in the soil at Phaostron, and at Azusa Land Reclamation. He discussed the basis for the Cleanup and Abatement Order and addressed the findings at the Phaostron site. Dr. Heath recommended that the Board adopt the Cleanup and Abatement Order with modifications.

Board member Coe asked for ~~clarification that the soils is contaminated~~ why it was proposed to cleanup the soils to a depth of only 100 feet (page 13-115), if the soils were contaminated to 200 feet.

Dr. Heath ~~replied, "yes"~~ confirmed that soils appeared to be contaminated to 200 feet but natural process would probably ~~return~~ remove the contamination below 100 feet.

Malissa McKeeth, Loeb & Loeb (attorney for Phaostron). She gave background information on the Phaostron site to the Board. She indicated that there is no evidence that Phaostron is responsible for the PCE at the site. Ms. McKeeth is in opposition to the Cleanup and Abatement Order, and does not think that the Order should ever have been issued. She asked the Board to recommend withdrawal of the Order, and to allow a stipulation agreement with the Executive Officer whereby if there is no compliance, the Order may be reissued, and ~~thereby~~ the right to an appeal will be waived.

Richard Knowles, Clearwater Management Group, represented Phaostron. He addressed the size of the spill, and stated that Paul McGuirk, the owner of the Phaostron site had not resisted ~~to~~ cleanup ~~the site~~. Mr. Knowles recommended that the Board rescind the Order and enter into a Stipulated Agreement.

Malissa McKeeth responded to questions by the Board members.

The Board asked Jorge Leon legal questions on this matter.

Jorge Leon, staff counsel, responded to the Board.

Dennis Dickerson, Executive Officer stated that he had reservations about making a decision at the present time, but would review with staff, make a decision in a week, and potentially issue a 13267.

After much discussion by the Board, there was a motion to continue this matter.

Chairman Nahai had to leave the meeting at 5:00 p.m.

Vice Chairman Lyon and the Board ~~requested~~ approved that Items 13.2, 15, and 16 be continued due to the imminent loss of a quorum.

17. Consideration of a Cease and Desist Order for the Rose Hills Memorial Park Association.

Staff presentation was waived. There was a motion to adopt the Cease and Desist Order.

MOTION: By Ms. Diamond, seconded by Ms. Cloke, and approved on a voice vote.

OTHER BUSINESS

20. Consideration of a tentative Resolution requesting financial assistance, from the State Water Resources Control Board, for the County of Ventura's application for a sewer project in the Oxnard Forebay.

Board member Coe suggested rewording the language on the tentative Resolution to reflect the current prohibition of new septic tanks.

Wendy Phillips, staff suggested that finding No. 3 on Page 20-4 be modified to clarify that Resolution No. 99-13 immediately prohibits all new septic systems, and prohibits discharge from existing septic systems in the Oxnard Forebay effective January 1, 2008.

There was a motion to approve the tentative Resolution with the modification.

MOTION: By Mr. Coe, seconded by Ms. Cloke, and approved on a voice vote.

The meeting was adjourned at 5:10 p.m.

Minutes adopted at the _____ Regular Board Meeting submitted/amended.

Written and submitted by: _____.